IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 7TH JULY 2006 / 16TH ASHADHA,1928

CRL.A.No. 380 of 2005(B)

AGAINST THE JUDGEMENT IN CRLP.143/2005 Dated 17/02/2005
CC.1102/2002 of JUDL. MAGISTRATE OF FIRST CLASS-I, KOCHI

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APPELLANT: COMPLAINANT

KERALA STATE INDUSTRIAL DEVELOPMENT
CORPORATION LIMITED (KSIDC), CHOICE TOWERS,
MANORAMA JUNCTION, COCHIN 682 016,
REPRESENTED BY ITS ASSISTANT MANAGER
(LEGAL) MR.G.SANJAY.

BY ADV. SRI.K.A.JALEEL

RESPONDENTS: ACCUSED & STATE

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1. VYSALI PHARMACEUTICALS LIMITED,
32/1289A, CIVIL LINE ROAD, PALARIVATTOM,
REPRESENTED BY ITS MANAGING DIRECTOR
A.D.KRISHNAN.

2. SHRI.A.D.KRISHNAN,
S/O. LATE A.D.NAMBOODIRIPAD,
MANAGING DIRECTOR, M/S. VYSALI PHARMACEUTICALS LTD
RESIDING AT 'SWARAM', GOVERNMENT HIGH SCHOOL ROAD,
EDAPPALLY, COCHIN 682 024.

3. DR.(MRS.) SAVITHRI KRISHNAN,
W/O. SHRI.A.D.KRISHNAN DIRECTOR,
M/S. VYSALI PHARMACEUTICALS LIMITED,
RESIDING AT 'SWARAM', GOVERNMENT HIGH SCHOOL
ROAD, EDAPPALLY, COCHIN 682 024.

4. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR K.J GEORGE

THIS CRIMINAL APPEAL HAVING COME UP FOR ADMISSION ON 07/07/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

CRL.A.380/2005

DATED THIS THE 7TH DAY OF JULY, 2006

JUDGMENT

The complainant is the appellant. A complaint, preferred under Section 138 of the Negotiable Instruments Act, in short 'the Act', before the Judicial Magistrate of First Class-I, Kochi, was dismissed on the ground that the complainant was absent, on the day when it was posted for evidence. Consequently, the accused was acquitted. The same is under challenge, after obtaining leave of this Court. Though notices were served on all the three respondents, there is no representation from them.

2. I heard the learned counsel. In the facts and circumstanced of this case, I set aside the impugned order dated 3.1.2005, and restore C.C.No.1102/2002, on the file of the Judicial Magistrate of First Class-I, Kochi. I direct the learned Magistrate to dispose of the same, as per the law, as early as possible, as the case is of the year 2002.

3. The appellant, complainant, shall appear before

the Judicial Magistrate of First Class-I, Kochi, on 27.7.2006. Though the respondents 1 to 3 did not appear, despite notice from this Court, for the ends of Justice, the learned Magistrate shall give notice to them as well.

The appeal is allowed as above.

J.M.JAMES
mrcs **JUDGE**